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4 Attorneys for Defendant, MARIO RENDA

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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 AIRLINES REPORTING CORPORATION,

11 Plaintiff/Judgment Creditor,

12 v.

13 COMMERCIAL TRAVEL
CORPORATION d/b/a MATLOCK
TRAVEL, *et al.*,

14 Defendants/Judgment Debtors.
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CASE NO. 08-MC-00088

DEFENDANT MARIO RENDA'S NOTICE
OF MOTION AND MOTION TO VACATE
JUDGMENT PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE, RULE 60
(b)(4).

Date: July 25, 2008
Time: 10:00 a.m.
Ct rm: 1, 4th Floor
Judge: Hon. Irma E. Gonzalez

Judgment: September 4, 2007

18 TO: PLAINTIFF AIRLINES REPORTING CORPORATION ("ARC") AND ITS
19 ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that on July 25, 2008, at 10:00 a.m., in Department 1 of the
21 above-entitled court, Defendant MARIO RENDA will move the Court for an order that vacates
22 plaintiff AIRLINES REPORTING CORPORATION's ("ARC") default judgment against him,
23 pursuant to Federal Rules of Civil Procedure, Rule 60(b)(4).

24 Mr. RENDA's motion is made on the grounds that ARC's default judgment is void
25 because the United States District Court for the Eastern District of Virginia, which issued the
26 default judgment, lacked personal jurisdiction over Mr. RENDA because he did not have the
27 required minimum contacts with the State of Virginia to justify the exercise of personal
28 jurisdiction. The United States District Court for the Eastern District of Virginia determined

1 that it lacked personal jurisdiction over Mr. RENDA in a related, and virtually identical, action
2 between ARC and Mr. RENDA styled, *Airlines Reporting Corporation v. Uniglobe Fairway*
3 *Travel, Inc.*, United States District Court, Eastern District of Virginia, Civil Action No.:
4 1:04cv622. Under the doctrine of collateral estoppel, the decision in *Uniglobe* established as a
5 matter of law that personal jurisdiction did not and does not exist over Mr. RENDA in
6 Virginia.

7 Mr. RENDA's motion will be based on this notice of motion and motion, the
8 supporting memorandum of points and authorities, the declarations of Mario Renda and John J.
9 Freni, the supporting request for judicial notice and notice of lodgment, the Court's files and
10 records in this matter generally, and on any additional evidence and argument presented at the
11 hearing on the motion.

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13 Dated: June 30, 2008

JOHN J. FRENI, ESQ.
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16 By: s/ JOHN J. FRENI, ESQ.
Attorneys for Defendant, MARIO RENDA
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